

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-19-1 as follows:

6 (65 ILCS 5/11-19-1) (from Ch. 24, par. 11-19-1)
7 Sec. 11-19-1. Contracts.

8 (a) Any city, village or incorporated town may make
9 contracts with any other city, village, or incorporated town or
10 with any person, corporation, or county, or any agency created
11 by intergovernmental agreement, for more than one year and not
12 exceeding 30 years relating to the collection and final
13 disposition, or relating solely to either the collection or
14 final disposition of garbage, refuse and ashes. A municipality
15 may contract with private industry to operate a designated
16 facility for the disposal, treatment or recycling of solid
17 waste, and may enter into contracts with private firms or local
18 governments for the delivery of waste to such facility. In
19 regard to a contract involving a garbage, refuse, or garbage
20 and refuse incineration facility, the 30 year contract
21 limitation imposed by this Section shall be computed so that
22 the 30 years shall not begin to run until the date on which the
23 facility actually begins accepting garbage or refuse. The

1 payments required in regard to any contract entered into under
2 this Division 19 shall not be regarded as indebtedness of the
3 city, village, or incorporated town, as the case may be, for
4 the purpose of any debt limitation imposed by any law.

5 (a-5) If a municipality with a population of less than
6 1,000,000 located in a county as defined in the Solid Waste and
7 Recycling Program Act has never awarded a franchise to a
8 private entity for the collection of waste from non-residential
9 locations, then the municipality may not award a franchise
10 unless:

11 (1) the municipality provides prior written notice to
12 all haulers licensed to provide waste hauling service in
13 that municipality of the municipality's intent to issue a
14 request for proposal under this Section;

15 (2) the municipality adopts an ordinance requiring
16 each licensed hauler, for a period of no less than 36
17 continuous months commencing on the first day of the month
18 following the effective date of such ordinance, to report
19 every 6 months to the municipality the number of
20 non-residential locations served by the hauler in the
21 municipality and the number of non-residential locations
22 contracting with the hauler for the recyclable materials
23 collection service pursuant to Section 10 of the Solid
24 Waste Hauling and Recycling Program Act; and

25 (3) the report to the municipality required under
26 paragraph (2) of this subsection (a-5) for the final 6

1 months of that 36-month period establishes that less than
2 50% of the non-residential locations in the municipality
3 contract for recyclable material collection services
4 pursuant to Section 10 of the Solid Waste Hauling and
5 Recycling Program Act.

6 All such reports shall be filed with the municipality by
7 the hauler on or before the last day of the month following the
8 end of the 6-month reporting period. Within 15 days after the
9 last day for licensed haulers to file such reports, the
10 municipality shall post on its website: (i) the information
11 provided by each hauler pursuant to paragraph (2) of this
12 subsection (a-5), without identifying the hauler; and (ii) the
13 aggregate number of non-residential locations served by all
14 licensed haulers in the municipality and the aggregate number
15 of non-residential locations contracting with all licensed
16 haulers in the municipality for the recyclable materials
17 collection service under Section 10 of the Solid Waste Hauling
18 and Recycling Program Act.

19 (a-10) Beginning at the conclusion of the 36-month
20 reporting period and thereafter, and upon written request of
21 the municipality, each licensed hauler shall, for every 6-month
22 period, report to the municipality (i) the number of
23 non-residential locations served by the hauler in the
24 municipality and the number of non-residential locations
25 contracting with the hauler for the recyclable materials
26 collection service pursuant to Section 10 of the Solid Waste

1 Hauling and Recycling Program Act, (ii) an estimate of the
2 quantity of recyclable materials, in tons, collected by the
3 hauler in the municipality from non-residential locations
4 contracting with the hauler for recyclable materials
5 collection service pursuant to Section 10 of the Solid Waste
6 Hauling and Recycling Program Act, and (iii) an estimate of the
7 quantity of municipal waste, in tons, collected by the hauler
8 in the municipality from those non-residential locations. All
9 reports for that 6-month period shall be filed with the
10 municipality by the hauler on or before the last day of the
11 month following the end of the 6-month reporting period. Within
12 15 days after the last day for licensed haulers to file such
13 reports, the municipality shall post on its website: (i) the
14 information provided by each hauler pursuant to this subsection
15 (a-10), without identifying the hauler; and (ii) the aggregate
16 number of non-residential locations served by all licensed
17 haulers in the municipality and the aggregate number of
18 non-residential locations contracting with all licensed
19 haulers in the municipality for the recyclable materials
20 collection service under Section 10 of the Solid Waste Hauling
21 and Recycling Program Act.

22 A municipality subject to subsection (a-5) of this Section
23 may not award a franchise unless 2 consecutive 6-month reports
24 determine that less than 50% of the non-residential locations
25 within the municipality contract for recyclable material
26 collection service pursuant to Section 10 of the Solid Waste

1 Hauling and Recycling Program Act.

2 (b) If a municipality with a population of less than
3 1,000,000 has never awarded a franchise to a private entity for
4 the collection of waste from non-residential locations, then
5 that municipality may not award such a franchise without
6 issuing a request for proposal. The municipality may not issue
7 a request for proposal without first: (i) holding at least one
8 public hearing seeking comment on the advisability of issuing a
9 request for proposal and awarding a franchise; (ii) providing
10 at least 30 days' written notice of the hearing, delivered by
11 first class mail to all private entities that provide
12 non-residential waste collection services within the
13 municipality that the municipality is able to identify through
14 its records; and (iii) providing at least 30 days' public
15 notice of the hearing.

16 After issuing a request for proposal, the municipality may
17 not award a franchise without first: (i) allowing at least 30
18 days for proposals to be submitted to the municipality; (ii)
19 holding at least one public hearing after the receipt of
20 proposals on whether to award a franchise to a proposed
21 franchisee; and (iii) providing at least 30 days' public notice
22 of the hearing. At the public hearing, the municipality must
23 disclose and discuss the proposed franchise fee or calculation
24 formula of such franchise fee that it will receive under the
25 proposed franchise.

26 (b-5) If no request for proposal is issued within 120 days

1 after the initial public hearing required in subsection (b),
2 then the municipality must hold another hearing as outlined in
3 subsection (b).

4 (b-10) If a municipality has not awarded a franchise within
5 210 days after the date that a request for proposal is issued
6 pursuant to subsection (b), then the municipality must adhere
7 to all of the requirements set forth in subsections (b) and
8 (b-5).

9 (b-15) The franchise fee and any other fees, taxes, or
10 charges imposed by the municipality in connection with a
11 franchise for the collection of waste from non-residential
12 locations must be used exclusively for costs associated with
13 administering the franchise program.

14 (c) If a municipality with a population of less than
15 1,000,000 has never awarded a franchise to a private entity for
16 the collection of waste from non-residential locations, then a
17 private entity may not begin providing waste collection
18 services to non-residential locations under a franchise
19 agreement with that municipality at any time before the date
20 that is 15 months after the date the ordinance or resolution
21 approving the award of the franchise is adopted.

22 (d) For purposes of this Section, "waste" means garbage,
23 refuse, or ashes as defined in Section 11-19-2.

24 (e) A home rule unit may not award a franchise to a private
25 entity for the collection of waste in a manner contrary to the
26 provisions of this Section. This Section is a limitation under

1 subsection (i) of Section 6 of Article VII of the Illinois
2 Constitution on the concurrent exercise by home rule units of
3 powers and functions exercised by the State.

4 (f) On and after the effective date of this amendatory Act
5 of the 99th General Assembly, a municipality with a population
6 under 1,000,000 shall not award a franchise to, or enter into a
7 contract with, a private entity that includes open top
8 temporary roll-off dumpster service. This subsection shall not
9 prohibit the renewal of any such franchise or contract that
10 includes open top temporary roll-off dumpster service
11 irrespective of whether the contract or franchise
12 automatically renews, is amended or is subject to a new request
13 for proposal after the effective date of this amendatory Act of
14 the 99th General Assembly.

15 A home rule municipality may not award a franchise to, or
16 enter into a contract with, a private entity that includes open
17 top temporary roll-off dumpster service in a manner
18 inconsistent with this subsection. This subsection is a
19 limitation under subsection (i) of Section 6 of Article VII of
20 the Illinois Constitution on the concurrent exercise by home
21 rule units of powers and functions exercised by the State.

22 (Source: P.A. 98-1079, eff. 8-26-14.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.